

RESOLUTION NO. 2010-52

A CAPITAL PROJECT AUTHORIZING RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE PURCHASE OF POLICE VEHICLES FOR THE VILLAGE POLICE DEPARTMENT; AUTHORIZING AND PROVIDING FOR THE VILLAGE TO PURCHASE POLICE EQUIPMENT, TO-WIT: THIRTEEN (13) POLICE VEHICLES; AUTHORIZING EXPENDITURE OF FUNDS; AUTHORIZING AND APPROVING MASTER LEASE AGREEMENT AND RELATED DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council as the governing body of the Village of Key Biscayne (the "Village") desires to obtain certain police equipment (the "Equipment") for the Village Police Department as described in Equipment Schedule No. 01 to the Master Lease Agreement (collectively, the "Lease") with Ford Motor Credit Company ("Ford") the form of which Lease has been available for review by the Village Council prior to this meeting; and

WHEREAS, the Equipment is essential for the Village to perform its governmental functions; and

WHEREAS, the Village has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment and finds the purchase of Equipment to be exempt from competitive bidding pursuant to Village Code Section 2-86 as being derived from another government entity's bid process; and

WHEREAS, the Village proposes to enter into the Lease with Ford, substantially in the form presented at this meeting; and

WHEREAS, the Village Council hereby finds and determines that the terms of the Lease and related instruments (collectively, the "Purchase Documents") in substantially the form presented at this

meeting and incorporated in this Resolution are in the best interests of the Village for the acquisition of the Equipment.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That each of the recitals stated above is hereby adopted and confirmed.

Section 2. **Capital Project Authorizing Resolution.** That pursuant to Village Charter Section 3.07(b), this Resolution shall constitute a Capital Project Authorizing Resolution. The Capital Project is the purchase of police equipment, to-wit: Thirteen (13) new vehicles (the "Equipment") for the Village of Key Biscayne Police Department, at a projected cost of Three Hundred Twenty-Two Thousand, One Hundred-Five (\$322,105.85) Dollars and Eighty-Five Cents, plus fixed annual financing costs of 5.35% for the four (4) year (48 months) term of the lease - purchase transaction, as payable in four (4) annual installment payments.

Section 3. **Equipment Purchase Authorized.**

A. That the acquisition of the Equipment is hereby authorized. The Equipment is further described in the Master Lease Agreement and Equipment Schedule No. 01 (collectively the "Lease") between the Village and Ford, a copy of which is set forth in Exhibit "A," attached hereto and incorporated herein. The Equipment shall be utilized by the Village Police Department to provide law enforcement services for the Village.

B. That the Village Council hereby approves the Lease, and authorizes the Village Manager to execute the Lease, once approved by the Village Attorney for legal sufficiency, for the acquisition of the Equipment for a cost which is consistent with this Resolution and the Lease.

C. That the Village Manager is authorized to take all action necessary to implement this Resolution and the Lease, and is authorized to expend Village funds for the purchase of the Equipment pursuant to the Lease and in accordance with Village budget appropriations.

D. That the Purchase Documents and the acquisition and financing of the Equipment under the terms and conditions as described in the Purchase Documents are hereby approved. The Village Manager and any other officer of the Village who shall have power to execute contracts on behalf of the Village be, and each of them hereby is authorized to execute, acknowledge and deliver the Purchase Documents with any changes, insertions and omissions therein as may be approved by the Village Attorney such approval to be conclusively evidenced by such execution and delivery of the Purchase Documents. The Village Clerk of the Village is authorized to affix the official seal of the Village to the Purchase Documents and attest the same.

E. That the proper officers of the Village, be and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Purchase Documents, subject to the approval of the Village Attorney as to form and legal sufficiency.

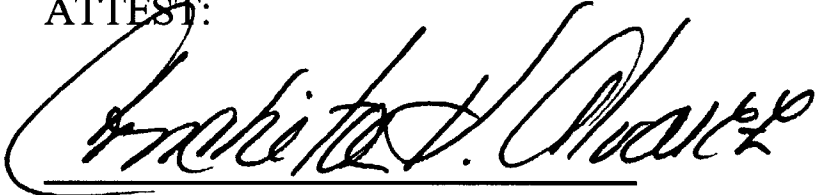
F. That pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code"), Village hereby specifically designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code.

Section 4. **Effective Date.** That this Resolution shall be effective immediately upon adoption hereof.

PASSED AND ADOPTED this 7th day of December, 2010.

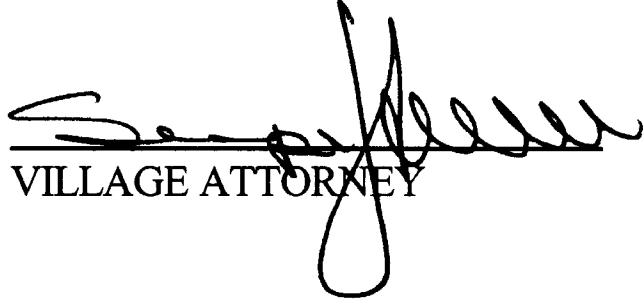

MAYOR FRANKLIN H. CAPLAN

ATTEST:



CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


VILLAGE ATTORNEY

